

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10106JLT

ZHANNA CHIZHIK,
Administratrix of the Estate
of Grigory Chizhik,
Plaintiff

v.

SEA HUNT BOATS, INC.,
TROPICLAND MARINE
AND TACKLE, INC., and
GREGORY ZILBERMAN,
Defendants.

**DEFENDANT SEA HUNT BOATS, INC.'S OBJECTION
TO PLAINTIFF'S MOTION FOR SANCTIONS**

Defendant Sea Hunt Boats, Inc. ("Sea Hunt Boats") hereby objects to the Plaintiff's motion for sanctions because the Plaintiff did not comply with Local Rule 7.1 or Local Rule 37.1 in that Plaintiff's counsel did not certify to the Court that he conferred in good faith to narrow any area of disagreement, nor did Plaintiff's Counsel in fact conduct any such conference prior to filing the present motion. Had Plaintiff's Counsel done so, he would have learned that the undersigned attorney had obtained the responsive documents and was prepared to produce them presently and that Court intervention is not necessary. The Defendant has now done so. The Defendant further objects that the Plaintiff's Attorney did not sign his motion as required by Fed.R.Civ.P. 7(b)(3).

As further grounds for this motion, the undersigned attorney states and certifies that he has, this day, served supplemental production upon counsel for all parties by first class mail pursuant to the Court's Order. Moreover, an award of sanctions under the present circumstances would be

unjust to the Defendant and would work a substantial hardship on the Defendant who has meritorious defenses to the Plaintiff's claim. Accordingly, the Court should deny the Plaintiff's motion for sanctions.

WHEREFORE, Defendant Sea Hunt Boats, Inc. respectfully moves the Court to deny the Plaintiff's Motion for Sanctions.

Respectfully submitted,

The Defendant,

Sea Hunt Boats, Inc.
By Its Attorneys,

/s/ William P. Breen, Jr.
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Rebecca L. Andrews, Esq., BBO #644846
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Dated: November 23, 2004

CERTIFICATION OF SERVICE

The undersigned attorney hereby certifies that on this 23rd day of November, 2004, he served a copy of the foregoing document, via first class mail, upon the following:

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/s/ William P. Breen, Jr.
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